

REMARKS

Claims 1-30 are pending.

Claims 1-30 stand rejected.

Claims 1, 4, 11 and 14 are amended herein.

Objection to Specification

The specification is objected to as having insufficient antecedent basis for the phrase “any type of computer readable medium.” At page 12, lines 18-19. Applicant respectfully submits that the objection is improper.

Applicant is unaware of any requirement to have antecedent basis in the specification, as opposed to in the claims, nor on what statutory grounds the objection to the specification is based upon. It would seem to logically follow that the first time a term is introduced in the specification that it would not have any antecedent basis. Therefore, as best as Applicant understands, the objection is based on “computer readable medium” not being adequately described in the Specification.

According to MPEP 2163(II)(A)(3)(a), second to last paragraph, “what is conventional or well known to one skilled in the art need not be disclosed in detail.” Applicant respectfully submits that a computer readable medium is well known to one skilled in the art. Furthermore, Applicant has described various types of computer readable medium in the specification, including RAM 102 and ROM 203 coupled with a bus 110 for storing static information and instructions for processor 101, as well as a data storage device 104 such as a magnetic or optical disk and disk drive (page 7, lines 14-19 and FIG. 1).

Claim Rejections – 35 USC § 101

Claims 1-20 stand rejected under 35 USC 101 as being directed to non-statutory subject matter.

~~Claim 1 is amended to recite that the updated build file is stored in a data storage~~
device. See the USPTO Interim Guidelines for Subject Matter Eligibility. Claim 11 is amended to recited that the software is be executed by one or more processors. The amendments are believed by Applicant to overcome the rejection, and withdrawal of the rejection is respectfully requested.

Claim 11 is further rejected as including a term, namely “computer-readable media”, that the Examiner suggests is not disclosed in the specification. Applicant assumes this rejection is being made according to 35 USC §112.

The rejection is traversed. Computer-readable media is disclosed at page 12, lines 12-19 and is further supported by page 7, lines 14-19 as discussed above with respect to the objection to the specification. Withdrawal of the rejection of claim 11 is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 1, 2, 9-12, 19-22 and 29-30 stand rejected under 35 USC 103(a) as being obvious over Lewis et al. (US 6,014,697) in view of Cooper et al. (US 5,809,282),

Claims 3-8, 13-18 and 23-28 stand rejected under 35 USC 103(a) as being obvious over Lewis in view of Cooper and in further view of Schulte, (“Internetworking Technology Overview: Network Management Basics”).

The present application discloses embodiments directed to generating a simulated network that is based on monitoring an actual managed network (Field of Invention on page 1). In some embodiments, the build files are automatically generated based on a comparison of a device personality of the actual managed network.

Currently amended claim 1 recites a method for generating a simulated network, the method comprising:

- monitoring an actual managed network to determine a device personality of an actual network device of the managed network;

- accessing a network discovery database comprising stored device personalities and associated device attributes for a plurality of device configurations;

- comparing the device personality with the stored device personalities;

- selecting one of the stored device configurations having a stored device personality that is the same as the device personality to determine the associated device attributes;

- attaching the associated device attributes to the device personality to create a new device configuration;

- automatically generating an updated build file for use by a network management simulator describing the simulated network based on the stored device configurations and the new device configuration; and

- storing the updated build file in a data storage device.

The Examiner acknowledges on page 6 of the June 21, 2007 that Lewis does not

disclose comparing the device personality with the stored device personalities, or selecting one of the stored device configurations as recited by claim 1. Instead, the Examiner cites Cooper as disclosing these features. The rejection is traversed.

Cooper describes selecting options for modifying a network architecture in accordance with user preferences (Abstract). Specifically, the simulator 210 of Cooper assesses a performance of the simulated network to determine how the network architecture should be modified in order to meet the user's preferences (col. 9 lines 60-62; and col. 10 lines 15-26).

The Examiner indicates that Cooper teaches "comparing scenario equipment data against data from tariff and hardware databases" according to column 9, lines 60 – column 10, lines 12. This is not supported in the cited section or in Cooper in general. That the hardware database 720 includes information on network equipment does not imply that this information is compared to a device personality of an actual network device. Instead, Cooper describes comparing a base-line network simulation against modified network simulations along with user preferences (col. 11, lines 14-21). Comparing the performance of simulated networks is not the same as comparing a device personality with stored device personalities, as recited by claim 1. Even assuming the Examiner is correct that scenario equipment data is compared against the database, it does not disclose comparing a device personality of a network device of the actual managed network. The scenario equipment data describes information for devices in the modified network simulations (i.e. for hypothetical scenarios), not for an actual managed network.

The Examiner further indicates that Cooper teaches selecting one of the stored device configurations having a stored device personality that is the same as the device personality to determine the associated device attributes at column 10, lines 13-26. Applicant respectfully disagrees with this interpretation. Rather, the alternative equipment is selected by the optimizer 220a of Cooper in order to meet a user's preference or a network performance criteria, and not because it includes the same personality as a network device of an actual managed network. It is implicitly understood that the alternative equipment has different attributes than the device in the base-line simulation for which it is replacing, in order to modify the network performance to meet the user's preference (col. 11 lines 14-25). If the device attributes were the same, then the network performance would not be modified. Applicant further notes that the base-line simulation is generated by user initiated graphical commands (col. 6 lines 10-28), and is not part of an updated build file that is automatically generated.

Claim 11 recites, in part, software encoded in one or more computer-readable media and when executed by one or more processors operable to:

- compare the device personality with the stored device personalities; and

- select one of the stored device configurations having a stored device personality that is the same as a closest match to the device personality to determine the associated device attributes.

As previously described, Cooper fails to disclose selecting one of the stored device configurations having a stored device personality that is the same as the device personality to determine the associated device attributes. Similarly, Cooper fails to disclose where there is a closest match.

Previously presented claim 21 includes some of the same features as disclosed in claim 1, and is allowable for the same or similar reasons. The Applicant remarks that no amendment of claim 21 is being made in this Amendment that would necessitate a further search of prior art by the Examiner. Claims 2-10, 12-20 and 22-30 are allowable as depending on claims 1, 11 and 21 respectfully, in addition to the further novel features recited therein. Therefore, withdrawal of the rejection of claims 1-30 is respectfully requested.

Any statements made by Examiner that are not addressed by Applicant do not necessarily constitute agreement by the Applicant. In some cases Applicant may have amended or argued the allowability of independent claims thereby obviating grounds for rejection of the dependent claims.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of the pending claims is requested. Please telephone the undersigned at (503) 224-2170 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,
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